

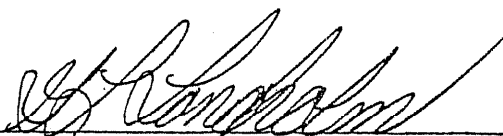
## SECTION II – D

## SECTION III

C E R T I F I C A T E

I HEREBY CERTIFY that the attached documents are true and correct copies of documents on file with the State Board of Control.

ATTEST my hand and the seal of the State Board of Control of the State of California this 3rd day of December 1981.

  
\_\_\_\_\_  
Secretary  
STATE BOARD OF CONTROL

## STATE BOARD OF CONTROL

926 J STREET, SUITE 300

SACRAMENTO, CALIFORNIA 95814



August 24, 1981

Mr. William D. Ross  
Meserve, Mumper and Hughes  
333 South Hope Street, 35th Floor.  
Los Angeles, California 90071..

RE: Development of Parameters and Guidelines for Reimbursement Cost Mandate by  
Chapter 1143, Statutes of 1980, (Housing Element: Locality's Share of Regional  
Housing Need) City of El Monte SB90-3916

Dear Mr. koss,

The State Board of Control found that a reimbursable mandate requiring "an  
indcrease level of service" existed under Chapter 1143, Statutes of 1980 at its August.  
19, 1981 meeting. This increased level o'f service is a result of the requirement  
that Housing Elements of the General Plan must include a component which describes  
in detail a locality's fair share of its regional housing needs',

Pursuant. to Revenue and Taxation Code Section, Section 2253.2 the Board  
directed staff to prepare parameters and guidelines identifying the types of  
activities and resulting costs which: should be reimbursed. The first step in drafting  
the parameters and guidelines will be to have a meeting of the interested parties  
to identify and if possible resolve the various issues. This meeting will be  
held on September 3, 1981 at 10:00 A.M. in the second floor conference room, 926  
"J" Street, Sacramento, California.

Some of the major issues which need to be addressed include:

1. Required information which must b'e included in a regional  
fair share component of the Housing Element.
2. Standardize process for incorporating component as part of all  
Housing Elements.
3. Methodology for determing cost associated with developing the regional  
fair share component for the Housing Element,.

With the resolution of these issues, a draft of the parameters and guidelines  
will be prepared and presented to the Board at the October 21, 1981 hearing.

If you have any concerns or questions, please contact me.

Sincerely,

Don A. Provost

Assistant to the Executive Secretary

DHP/sk

cc:

Department of Finance, Local Mandate Unit: Ron Joiner

Department of Housing and Community Development: Carolyn Burton

Office of Planning and Research: Jay Stewart

Office of the State Controller: Jim Ferguson

County Supervisors Association of California: Allan Burdick

Legislative Analyst: Betty Masuoka

League of California Cities: Dan Harrison

City and County of San Francisco: John Farrell

County of Los Angeles, Office of the County Counsel: Melissa A. Taubman

The State Board of **Control** met in regular session in Room 587, Office Building No. 1, 915 Capitol Mall, Sacramento, California on August 19, 1981. Present were Chairperson Diane I. Kirkham, Deputy Director of General Services, acting for and in the absence of David Janssen, Director of General Services; Theresa Cook, Member; Peter Pelkofer, Deputy State Controller, acting for and in the absence of Kenneth Cory, State Controller; and Zev Yaroslavsky, Member. Absent was Edwin Beach, Member,

There being a quorum present, the Chairperson called the meeting to order at 9:20 a.m.

Member Cook moved and Member Pelkofer seconded the motion to approve the minutes of the July 22, 1981 meeting,

Member Cook expressed concern that she had not received the agenda in sufficient time to adequately prepare for the meeting. After discussion, the Board adopted a policy to require that all written materials must be received by the Board two weeks prior to the scheduled hearing. Any material received after that date will not be included in the Board members' agendas or considered by the Board at the hearing. Staff was then directed to complete and transmit the agenda package one week prior to the scheduled hearing.

Member Yaroslavsky moved and Member Cook seconded the motion to approve items 1 and 2, which were claims for reimbursement of costs mandated by Chapter 593, Statutes of 1975 (Jury Duty). Motion carried, unanimously.

Chapter 593, Statutes of 1975 (1979-80 F.Y.)

<u>Claimant</u>	<u>Amount</u>
City of Glendale #SB 90-3142	\$ 5,627.00
Town of Hillsborough #SB 90-3908	343.00

Member Pelkofer moved and Member Yaroslavsky seconded the motion to reconsider and approve items 3 through 7, which were claims for reimbursement of costs mandated by Chapter 593, Statutes of 1975 (Jury Duty for Firefighters). At the request of the Board on May 20, 1981, the State Controller's Office revised the recommendations on these claims to include **additional reimbursement** for full 24 hour replacement of firefighters who must serve jury duty. Motion carried unanimously.

Chapter 593, Statutes of 1975 (1978-79 F.Y.)

<u>Claimant</u>	<u>Amount</u>
City of Sacramento #SB 90-3404	\$ 460.00
City of San Diego #SB 90-3020	5,516.00

Chapter 593, Statutes of 1975 (1979-80 F.Y.)

<u>Claimant.</u>	<u>Amount</u>
City of Clovis #SB 90-3055	\$ 273.00
Daly City #SB 90-3670	783.00
City of Santa Fe Springs #SB 90-3790	743.00

Member Yaroslavsky moved and Member Cook seconded the motion to approve item 8, which was a claim for reimbursement of costs mandated by Chapter 842, Statutes of 1978 (Tuberculosis Exams for School Bus Drivers). Motion carried unanimously. .

Chapter 842, Statutes of 1978 (1978-79 F.Y.)

<u>Claimant</u>	<u>Amount</u>
County of San Bernardino #SB 90-3673	\$ 1,159.00

Member Yaroslavsky moved and Member Pelkofer seconded the motion to approve item 9, which was a claim for reimbursement of costs mandated by Chapter 876, Statutes of 1976 (Sentencing Transcripts). Motion carried unanimously.

Chapter 876, Statutes of 1976 (1977-78 F.Y.)

<u>Claimant</u>	<u>Amount</u>
County of San Bernardino #SB 90-3693	\$ 3,555.00

Member Yaroslavsky moved and Member Pelkofer seconded the motion to approve items 10 through 18, which were claims for reimbursement of costs mandated by Chapter 876, Statutes of 1976 (Sentencing Transcripts). Motion carried unanimously.

Chapter 876, Statutes of 1976 (1978-79 F.Y.)

<u>Claimant</u>	<u>Amount</u>
County of Los Angeles #SB 90-3785	\$ 63,318.00
County of Nevada #SB 90-3727	289.00
County of Orange #SB 90-3539	14,723.00
County of San Bernardino #SB 90-3694	6,245.00

Chapter 876, Statutes of 1976 (1979-80 F.Y.)

<u>Claimant</u>	<u>Amount</u>
County of Los Angeles #SB go-3784	\$ 73,170.00
County of Nevada #SB 90-3728	341.00
County of Orange #SB 90-3538	17,330.00
County of San Bernardino #SB 90-3695	6,241.00
County of San Diego #SB 90-3754	4,586.00

Member Yaroslavsky moved and Member Pelkofer seconded the motion to approve items 19 and 20, which were claims for reimbursement of costs mandated by Chapter 961, Statutes of 1975 (Collective Bargaining), Motion carried unanimously.

Chapter 961, Statutes of 1975 (1977-78 F.Y.)

<u>Claimant</u>	<u>Amount</u>
Fresno Unified School District #SB 90-1617B	\$ 46,518.00
Oak Grove Elementary School District #SB 90-3743	22,351.00

Member Cook moved and Member Yaroslavsky seconded the motion to approve item 21, which was a claim for reimbursement of costs mandated by Chapter 984, Statutes of 1977 (Developmental Disabilities). Motion carried unanimously.

Chapter 984, Statutes of 1977 (1978-79 F.Y.)

<u>Claimant</u>	<u>Amount</u>
County of San Bernardino #SB 90-3798	\$ 2,056.00

Member Pelkofer moved and Member Yaroslavsky seconded the motion to deny item 22, which was a claim for reimbursement of costs mandated by Chapter 1046, Statutes of 1976 (Property Appraisals). Motion carried unanimously.

Chapter 1046, Statutes of 1976 (1979-80 F.Y.)

<u>Claimant</u>	<u>Amount</u>
County of San Diego #SB 90-3556	\$ -0-

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Member Yaroslavsky moved and Member Cook seconded the motion to approve item 23, which was a claim for reimbursement of costs mandated by Chapter 1139, Statutes of 1976 (Determinate Sentencing): **Motion** carried unanimously.

Chapter 1139, Statutes of 1976 (1977-78 F.Y.)

<u>Claimant</u>	<u>Amount</u>
County of Tehama #SB 90-1801	\$ 1,733.00

Member Yaroslavsky moved and Member Cook seconded the motion to continue item 24, which was a claim filed by County of Tehama (#SB 90-1802, 1978-79 F.Y.) for reimbursement of costs mandated by Chapter 1139, Statutes of 1976 (Determinate Sentencing). The Controller's Office requested continuation of this claim as a revised recommendation on the claim is being prepared and forwarded to the claimant. Motion carried unanimously.

Member Yaroslavsky moved and Member Cook seconded the motion to approve items 25 and 26, which were claims for reimbursement of costs mandated by Chapter 1139, Statutes of 1976 (Determinate Sentencing). Motion carried unanimously,

Chapter 1139, Statutes of 1976 (1979-80 F.Y.)

<u>Claimant</u>	<u>Amount</u>
County of Madera #SB 90-3846	\$ 19,107.00
County of Siskiyou #SB 90-3841	2,652.00

Member Pelkofer moved and Member Cook seconded the motion to approve item 27 in the amount recommended by the Controller's Office, which was a claim of the City of Los Angeles (#SB90-3523, 1979-80 F.Y.) for reimbursement of costs mandated by Chapter 1146, Statutes of 1978 (Destruction of Animals). Member Pelkofer so moved with the understanding that the portion claimed by the City of Los Angeles for certain operating supplies and administrative costs would be discussed at the November 1981 hearing in conjunction with the 1978-79 F.Y. City of Los Angeles claim under the same mandate. **Motion** carried by unanimous vote,

Chapter 1146, Statutes of 1976 (1979-80 F.Y.)

<u>Claimant</u>	<u>Amount</u>
City of Los Angeles #SB 90-3523	\$ 211,202.00



Member Yaroslavsky moved and Member Cook seconded the motion to approve item 28, which was a claim for reimbursement of costs mandated by Chapter 1146, Statutes of 1976 (Destruction of Animals). Motion carried unanimously.

Chapter 1146, Statutes of 1976 (1979-80 F.Y.)

<u>Claimant</u>	<u>Amount</u>
City of Petaluma #SB 90-3527	\$ 4,145.00

Member Pelkofer moved and Member Yaroslavsky seconded the motion to approve items 29 and 30, which were **claims** for reimbursement of costs' mandated by Chapter 1176, Statutes of 1977 (Immunization Record Keeping). Motion carried unanimously. The Board further authorized staff to include the amounts approved in the estimate for 1978-79 F.Y. immunization costs contained in SE 1261.

Chapter 1176, Statutes of 1977 (1978-79 F.Y.)

<u>Claimant</u>	<u>Amount</u>
Centralfa School District #SB 90-3895	\$ 9,222.00
Sierra Sands Unified School District #SB 90-3817	11,288.00

Member Cook moved and Member Yaroslavsky seconded the motion to approve item 31, which was a claim for reimbursement of costs mandated by Chapter 1215, Statutes of 1974 (School Attendance Review Board). Motion carried unanimously. The Board further authorized staff to include the amount approved in the estimate for 1978-79 SARI3 costs contained in SB 1261.

Chapter 1215, Statutes of 1974 (1978-79 F.Y.)

<u>Claimant</u>	<u>Amount</u>
Porterville School District #SB 90-3638	\$ 9,018.00

Member Pelkofer moved to continue item 32, which was a claim filed by the County of Sacramento (SB 90-3809; 1979-80 F.Y.) for reimbursable costs mandated by Chapter 1242, Statutes of 1977; Chapter 43, Statutes of 1978 (Senior Citizen Property Postponement). Motion carried unanimously.

Member Pelkofer moved and Member Cook seconded the motion to approve items 33 and 34 which were **claims** for reimbursement of costs mandated by Chapter 1242, Statutes of 1977; Chapter 43, Statutes of 1978 (Senior Citizen Property Tax Postponement). Motion carried unanimously.

Chapter 1242, Statutes of 1977; Chapter 43, Statutes of 1978 (1979-80 F.Y.)

<u>Claimant</u>	<u>Amount</u>
County of Santa Clara #SB 90-3776	\$ 4,026.00

Chapter 1242, Statutes of 1977; Chapter 43, Statutes of 1978 (1979-80 F.Y.)

<u>Claimant</u>	<u>Amount</u>
County of Santa Cruz #SB 90-3896	\$ 1,494.00

Member Yaroslavsky moved and Member Pelkofer seconded the motion to approve items 35 and 36, which were claims for reimbursement of costs mandated by Chapter 1275, Statutes of 1975 (Eminent Domain Public Hearings). Motion carried unanimously.

Chapter 1275, Statutes of 1975 (1978-79 F.Y.)

<u>Claimant</u>	<u>Amount</u>
Contra Costa County #SB 90-3091	\$ 12,510.00

Chapter 1275, Statutes of 1975 (1979-80 F.Y.)

<u>Claimant</u>	<u>Amount</u>
City of Oakland, Redevelopment Agency #SB 90-3488	\$ 103,606.00

Member Pelkofer moved and Member Cook seconded the motion to approve items 37 through 51, which were claims for reimbursement of costs mandated by Title 8, Art. 10.1, Sec. 3401-9, CAC 1978-79 F.Y. (Firefighters Safety Clothing and Equipment). Motion carried unanimously,

Title 8, Art. 10.1, Sec. 3401-9, CAC (1978-79 F.Y.)

<u>Claimant</u>	<u>Amount</u>
Alpine Fire Protection District #SB 90-3162A	\$ 794.00
Arden Fire Protection District #SB 90-3154	1,242.00
Central Fire Protection District #SB go-3741	16,330.00
City of Chula Vista #SB 90-3085A	1,418.00
City of Hayward #SB 90-3243A	3,743.00
City of Marysville #SB 90-3852	730.00
Mill Valley #SB 90-3823	2,871.00

Title 8, Art. 10.1, Sec. 3401-9, CAC (1978-79 F.Y.) cont.

<u>Claimant</u>	<u>Amount</u>
North Central Fire District #SB 90-3468A	\$ 327.00
City of Oceanside #SB 90-3503	\$ 1,212.00
Redwood City #SB 90-3561A	\$ 12,317.00
Rincon Valley Protection District #SB 90-3002	\$ 3,060.00
Salinas Rural Fire District #SB 90-3833	\$ 803.00
Santa Fe Springs #SB 90-3125	\$ 4,881.00
Tiburon Fire Protection District #SB 90-3739	\$ 1,967.00
City of Turlock #SB 90-3762	\$ 1,577.00

Member Pelkofer moved and Member Cook seconded the motion to continue items 52 and 54, which were claims for reimbursement of costs mandated by Title 8, CAC, Art. 10.1, Sec. 3401-9, 1978-79 F.Y. (Fire-fighters Safety Clothing and Equipment). The Controller's Office, requested continuation for these items in order to review relevant additional information provided by the claimants. Motion carried unanimously.

Title 8, Art. 10.1, Sec. 3401-9, CAC (1978-79 F.Y.)

<u>Claimant</u>	<u>Amount</u>
Arcata Fire Protection District #SB 90-3688	\$ 3,724.00
County of Santa Cruz #SB W-3276	\$ 13,326.00

Member Cook moved and Member Pelkofer seconded the motion to approve item 53 and items 55 through 64 which were claims for reimbursement of costs mandated by Title 8, CAC Art. 10.1, Sec. 3401-9; 1978-79, 1979-80, 1980-81 F.Y. (Firefighters Safety Clothing and Equipment). Motion carried unanimously.

.... Title 8, Art. 10.1, Sec. 3401-9, CAC (1978-79 F.Y.)

<u>Claimant</u>	<u>Amount</u>
Rincon Del Diablo Fire Department #SB 90-3520	\$ 439.00

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Title 8, Art. 10.1, Sec. 3401-9, CAC (1979-80 F.Y.)

<u>Claimant</u>	<u>Amount</u>
Alpine Fire Protection District #SB 90-3814	\$ 742.00
Arden Fire Protection District #SB 90-3153	\$ 457.00
city of Loma Linda #SB 90-3123	\$ 4,330.00
city of Marysville #SB 90-3853	\$ 6,956.00
Mill Valley # S B 90-3822	\$ 3,119.00
North Central Fire District #SB 90-3917	\$ 668.00
Town of Paradise #SB 90-3574	\$ 7,341.00
City of Pomona #SB 90-3806	\$ 2,589.00
Redwood City #SB 90-3560A	\$ 9,469.00

Title 8, Art. 10.1, Sec. 3401-9, CAC (1980-81 F.Y.)

<u>Claimant</u>	<u>Amount</u>
City of El Paso #SB 90-3815	\$ 3,684.00

Member Pelkofer moved and Member Yaroslavsky seconded the motion to approve items' 65 and 66, which were claims for reimbursement of costs mandated by Title 8, CAC, Sec. 3014(c)(d), 3015(c), 3030(f)(k), 3132(a)(c); 3034(a), 3041(d), 3053(c), 3111(c), (Elevator Earthquake Safety), Motion carried unanimously,

Title 8, Sec. 3014(c)(d), 3015(c), 3030(f)(k), 3132(a)(c); 3034(a), 3041(d), 3053(c), 3111(c), CAC (1979-80 F.Y.)

<u>Claimant</u>	<u>Amount</u>
County of Marin #SB 90-3705	\$ 772.00
County of Sacramento #SB 90-3764	\$ 2,876.00

Member Pelkofer moved and Member Yaroslavsky seconded the motion to approve items 67 and 68, which were claims for reimbursement of costs mandated by Title 8, CAC, Sec. 3041(c), 1978-79 and 1979-80 F.Y. (Elevator Fire Safety). Motion carried **unanimously**.

Title 8, Sec. 3041(c), CAC (1978-79 F.Y.)

<u>Claimant</u>	<u>Amount</u>
City of Oakland #SB go-3793	\$ 50,191.00

Title 8, Sec. 3041(c), CAC (1979-80 F.Y.)

<u>Claimant</u>	<u>Amount</u>
City of Oakland #SB go-3792	\$ 73,783.00

Member Cook moved and Member Pelkofer seconded the motion to continue items 69 through 71, which were claims by the County of San Joaquin (SB 90-2983, SB 90-2984, SB 90-2985) for reimbursement of costs mandated by Title 14, CAC, Division 7, Ch. 2, 1976-77, 1977-78 1978-79 F.Y. (Solid Waste Management). The Controller's Office requested a continuation of these claims in order to respond to the claimant's rebuttal. Motion **carried** unanimously.

Title 14, Div. 7, Ch. 2, CAC (1977-78 F.Y.)

<u>Claimant</u>	<u>Amount</u>
County of San Joaquin #SB 90-2983	\$ 543.99

Title 14, Div. 4, Ch. 2, CAC (1978-79 F.Y.)

<u>Claimant</u>	<u>Amount</u>
County of San Joaquin #SB 90-2984	\$ 30,108.00

Title 1.4, Div. 7, Ch. 2, CAC (1979-80 F.Y.)

<u>Claimant</u>	<u>Amount</u>
County of San Joaquin #SB 90-2985	\$ 30,749.00

Member Pelkofer moved and Member Cook **seconded** the motion to approve items 72 through 79, which were claims for reimbursement of costs mandated by Title 15, Art. 14, Sec. 1282, CAC (Breathing Apparatus). Motion **carried** unanimously.

Title 15, Art. 14, Sec. 1282, CAC (1978-79 F.Y.)

<u>Claimant</u>	<u>Amount</u>
County of Mono #SB 90-3733	\$ 1,216.00

Title 15, Art. 14, Sec. 1282, CAC (1979-80 F.Y.)

<u>Claimant</u>	<u>Amount</u>
Colusa County Sheriff, #SB 90-3737	\$ 1,216.00
Contra Costa County #SB 90-3763	2,467.00
County of Los Angeles #SB 90-3772	14,909.00
county of San Mateo #SB 90-3869	3,426.00

Title 15, Art. 14, Sec. 1282, CAC (1980-81 F.Y.)

<u>Claimant</u>	<u>Amount</u>
Lassen County Sheriff's Department #SB 90-3882	\$ 1,283.00
Mariposa County Jail #SB 90-3725	1,308.00
City of San Leandro #SB 90-3859	1,142.00

Member Cook moved and Member Pelkofer seconded the motion to continue items 80 and 81 at the request of the claimant. These were claims for reimbursement of costs mandated by Chapter 1071, Statutes of 1976 (Juvenile Justice). Motion carried unanimously.

Chapter 1071, Statutes of 1976

<u>Claimant</u>	<u>Amount</u>
County of Del Norte (1976-77 F.Y.) #SB 90-1406A	\$ 19,553.00
County of Del Norte (1977-78 F.Y.) #SB 90-1406A	\$ 65,575.00

Member Cook moved and Member Yaroslavsky seconded the motion to approve items 82 through 94, which were claims for reimbursement of costs mandated by Chapter 1071, Statutes of 1976 (Juvenile Justice). Motion carried.

Chapter 1071, Statutes of 1976

<u>Claimant</u>	<u>Amount</u>
County of Los Angeles (1976-77 & 1977-78 F.Y.) #SB 90-1406A	\$2,721,579.00
County of Riverside (1976-77 F.Y.) #SB 90-571	121,512.00
County of Riverside (1977-78 F.Y.) #SB 90-571A	473,270.00
County of San Diego (1976-77 F.Y.) #SB 90-1479B	118,552.00
County of San Diego (1977-78 F.Y.) #SB 90-1479B	467,826.00
county of San Joaquin (1976-77 F.Y.) #SB 90-1483A	169,011.00
County of San Soaquin (1977-78 F.Y.) #SB 90-1483A	593,826.00
Santa Barbara county (1976-77 F.Y.) #SB 90-620B	100,146.00
Santa Barbara County (1977-78 F.Y.) #SB 90-620B	51,958.00
Ventura County (1976-77 F.Y.) #SB 90-1480	141,796.00
Ventura County (1977-78 F.Y.) #SB 90-1480	431,144.00
County of Yuba (1976-77 F.Y.) #SB 90-678B	30,333.00
County of Yuba (1977-78 F.Y.) #SB 90-678B	61,587.00

The Board then considered items 95 through 97, **test** claims filed by **Solano** (SB 90-3180), Stanislaus (SB 90-3778) and **Yolo** (SB 90-3182) Counties alleging costs mandated by the State as a result of Chapter 463, Statutes-of-1980 (IHSS Payrolling System). The claimants., represented by Tom Wilson and **Allan Burdick**, stated that the Department of Social Services (DSS), in implementing a **centralized IHSS payrolling** system, mandated the **counties to** perform both installation and ongoing activities. The **claimants** stated that costs associated with such responsibilities should be reimbursable. DSS, on the other hand, stated that they ceased assessment activities required of the claimants for **two months** in order to allow the claimants to assist in the **installation of** the **payrolling** system. Consequently, DSS alleged that, in ceasing **assess-**

ment activities, the start-up costs for payrolling systems were offset by the savings resulting from reducing other requirements. After considerable debate, Member Paroslavsky moved and Member Cook seconded the motion to find that a mandate **exists** in Chapter 463/80. The vote on the motion was: Member Cook, aye; Member Pelkofer, no; Member Yaroslavsky, aye; Chairperson Kirkham, no. Motion failed. However, the claimants were informed that the claims could be heard again, since they had not been approved or denied by a majority of the Board. The claimants were advised to **file** a request for rehearing within 10 days.

Member Yaroslavsky absented himself from the hearing. Items 98 through 102 were postponed at the requests of the claimants pending his return.

The Board then considered item 103, which was a claim by the Association of Bay Area Governments (ABAG) alleging that Chapter 1143, Statutes of 1980 (Housing Elements: Regional Share Housing Needs) mandated a new program upon the Councils of Governments (COG). There was some discussion concerning the impact of the Board's decision on cities and counties regarding this item (Member Yaroslavsky returned during the discussion). Member Pelkofer moved and Member Yaroslavsky seconded the motion to find a reimbursable mandate: in Chapter 1143/80 for COG's only. Motion carried unanimously.

With the return of Member Yaroslavsky, the Board next considered item 98, a test claim (SB 90-3667) filed by the County of Santa Cruz alleging that a reimbursable mandate existed in Chapter 1039, Statutes of 1979 (School Crossing Guard). The claimants, represented by Debra Hopkins and Tony Gonzalez, stated that Chapter 1039/79 required the County to adopt a school crossing guard program. In response to the Department of Finance (DOF) recommendation that the Board not find a mandate, the claimants stated that Chapter 282/79 and 1035/79 should also be considered in this test claim. Considerable attention was given to whether the Board should consider Chapters 282/79 and 1035/79, especially since these statutes were not identified and amended into the test claim prior to the hearing. DOF stated that they could not make a recommendation regarding Chapters 282/79 and 1035/79 as their analyses focused on Chapter 1039/79. Member Pelkofer moved and Member Yaroslavsky seconded the motion that 1) the test claim be amended to include Chapters 282/79 and 1035/79 with Chapter 1039/79; and 2) it should be continued to allow State agencies to review the claim with the inclusion of these statutes. The motion carried unanimously.

The Board next considered item 106, which was a test claim filed by the County of Santa Cruz (SB 90-3714) alleging that, a reimbursable mandate exists in California Rules of the Court, Rule 33(a)(2); 1978-79 F.Y. (Transcript of Probation Proceedings). As a consequence of not having the DOF and the Judicial Council of California's recommendations, Member Pelkofer moved and Member Cook seconded the motion to continue the claim. Motion carried unanimously.

The next item considered by the Board was item 99, which was a test claim filed by Shasta County (SB 90-3867) alleging the existence of a reimbursable mandate in Chapter 1349, Statutes of 1980 (Reassessment Upon Change in Ownership of Property). Member Pelkofer moved and Member Cook seconded the motion to determine that reimbursable costs mandated by the State exist under Ch. 1349/80. The motion carried unanimously.



The Board next considered items 100, 101, and 102, which were 'test claims filed by the City of El Monte (SB 90-3916); City and County of San Francisco (SB 90-3760); and County of Los Angeles (SB 90-3759). The claimants alleged that costs mandated by the state exist in Chapter 1143, Statutes of 1980 (Housing Elements: Locality's Share of Regional Housing Need). After considerable discussion, Member Yaroslavsky moved and Member Pelkofer seconded the motion that a reimbursable mandate exists in Ch. 1143/80 as alleged in the three claims and to direct Board staff to treat the Department of Housing and Community Development Housing Guidelines as advisory rather than mandatory during the preparation of parameters and guidelines. The motion carried unanimously.

The Board then heard item 105, which was a request by the California Youth Authority for reconsideration of the Board's July 22, 1981 determination that a reimbursable mandate existed in Title 15, CAC, Div. 4, Ch. 2, Sub. Chapter 7, Sec. 4500-59 (Detention of Minors). After some discussion regarding whether the claim should be reconsidered, Member Cook moved and Member Pelkofer seconded the motion to deny the reconsideration because no new information was being submitted. The votes of the members were: Member Cook, aye; Member Pelkofer, aye; Member Yaroslavsky, no; and Chairperson Kirkham, aye. Motion carried.


Member Cook then absented herself from the hearing.

The Board next heard item 104, which was a test claim filed by the City and County of San Francisco (SB 90-3712) alleging that a reimbursable mandate exists in Chapter 1350, Statutes of 1980 (Original Ribbon Copy Fee). The claimant requested a continuation of the claim as a result of having a three member Board. The motion to continue the claim carried unanimously.

The Board next considered Exhibit "B" which was a request by the State Controller's Office to amend the Parameters and Guidelines for Chapter 961/75 (Collective Bargaining) as proposed. Member Pelkofer moved and Member Yaroslavsky seconded the motion to adopt the proposed changes, and apply them to claims for costs incurred after June 30, 1981. The motion carried unanimously.

Gary Longholm then made a presentation to the Board concerning control' language contained in the 1981 Budget Act requiring the Board to: 1) prepare estimates of costs for unspecified mandates for which parameters and guidelines were adopted prior to January 1, 1981; 2) report to the Legislature concerning its parameters and guidelines for Ch. 961/75 (Collective Bargaining); and 3) review claims for reimbursement of costs resulting from court or federal mandates which were not reimbursed during 1980-81.

There being no further business, Chairperson Kirkham adjourned the meeting at 1:54 PM

  
GARY J. LONGHOLM  
Executive Secretary

## SECTION IV

## STATE BOARD OF CONTROL

926 J STREET, SUITE 300

SACRAMENTO, CALIFORNIA 95814



March 23, 1981

City & County of San Francisco  
City Hall, Room 109  
San Francisco, CA 94102

Attention: John C. Farrell, Controller

RE: Claim of SAN FRANCISCO COUNTY'  
(Ch. 1143/80, 1980-81 F.Y.) vs.  
State of California - #SB 90-3760

Dear Mr. Farrell,

Pursuant to Revenue and Taxation Code Section 2253(c), the above-named test claim was filed with the Board of Control on February 19, 1981. The claim is a test claim requesting the Board to consider whether reimbursable "state mandated costs" resulted from Rousing Elements of General Plans. The meeting will be held in Room 587, State Office Building No. 1, 915 Capitol Mall, Sacramento, CA., on June 17, 1981 at 9:00 a.m.

In order to decide on the mandated cost issue, the Board requests that all state agencies receiving this letter consider the merits of the claim and make recommendations on its validity under the SB 90 provisions of the Revenue and Taxation Code, contained in Sections 2203-2217 and 2231-2251.

State agency recommendations should include whether a representative will appear at the hearing. Some departments may be required to send a representative. All state agency recommendations will be forwarded to claimants and their representatives immediately upon receipt by this office,

In order to allow the claimants and their representatives sufficient time to respond to any issues raised, written state agency recommendations must be received by this office no later than May 4, 1981.

Essentially, a claim submitted to the Board for unfunded state mandated costs is valid only if it meets the following criteria:

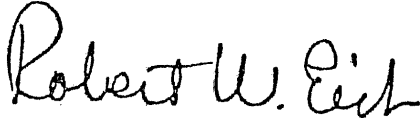
7. The claim must be submitted by a local agency-, which includes cities, counties, and special districts, or by a school district. A "special district", as defined in Revenue and Taxation Code Section 2215, means any local governmental agency other than a city, county, or school, district which is authorized by statute to levy a property tax rate. County fire protection districts, road districts, and free libraries are also special districts,
2. The claim must allege a mandate in:
  - a. A law enacted after January 1, 1973, which mandates a new program or an increased level of service of an existing program.

- b. An Executive Order that mandates a new program or an increased, level of service of an existing program and either 1) affects local agencies and was issued after January 1, 1973; or 2) affects school districts and was issued after January 1, 1978.
  - c. An Executive Order issued after January 1, 1978, which (1) implements or interprets a state statute, and (2) by such implementation or interpretation, increases program levels above the levels required of school districts prior to January 1, 1978, or of local agencies prior to January 1, 1973. (Revenue and Taxation Code, Section 2207, 2207.5)
3. The Bill or Executive Order must either:
- a. Contain a disclaimer of additional mandated costs to local governments, or,
  - b. Contain neither a disclaimer nor an appropriation to reimburse the claimant for such costs, (Revenue and Taxation Code, Section 2253).
4. The amount claimed must exceed \$200 and include only actual costs incurred. (Revenue and Taxation Code, Section 2253.2)
5. A claim is not valid if any of the following applies:
- a. The chaptered bill was requested by or on behalf of a local agency which desired legislative authority to implement the program specified in the bill,
  - b. The bill affirmed for the state that which had been declared existing law or regulation by action of the courts,
  - c. The chaptered bill mandated costs which do not exceed the cost of implementing a federal law or regulation.
  - d. The claimant has the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or level of service,
  - e. The bill imposed duties which were expressly approved by a majority of the voters of the State through the initiative process,
  - f. The bill created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction.
  - g. The bill provided for offsetting savings to local agencies which resulted in no net costs to such local agencies,
  - h. The bill created, changed, or eliminated a crime or infraction (or the resulting penalty) and the alleged mandated costs resulted from that portion of the bill relating to the enforcement of that crime or infraction,

Based upon information provided by all interested parties, the Board will determine whether the claim meets the statutory requirements, Should the Board determine that a mandate does exist, then parameters and guidelines for reimbursing all eligible local entities will be developed, Your cooperation in the preparation of the parameters and guidelines may be requested.

If you have any questions, please contact me. Thank you for your anticipated cooperation.

Sincerely,



ROBERT W. EICK  
Assistant to the Executive Secretary  
(916) 323-3562

RWE/ am

cc: Department of Finance, Local Mandate Unit RECOMMENDATION DUE: May 4, 1981  
Controller, Financial Accounting INFORMATION ONLY  
Legislative Analyst, Betty Masuoka  
County Supervisors Association of California INFORMATION ONLY  
Melissa Taubman, LA Deputy County Counsel 'INFORMATION ONLY  
✓ Department of Housing & Community Development, Mr. Travis Pitts  
RECOMMENDATION DUE: May 4, 1981

## STATE BOARD OF CONTROL

926 J STREET, SUITE 300  
SACRAMENTO, CALIFORNIA 95814

July 8, 1981



Meserve, Mumper & Hughes  
35th Floor  
333 S. Hope  
Los Angeles, CA 90071

RE: Claim of CITY OF EL MONTE  
(Ch. 1143/80, 1980-81 F.Y.) vs.  
State of California - #SB 90-3916

Dear Mr.. Ross:

Pursuant to Revenue and Taxation Code Section 2253(c), the above named test claim was filed with the Board of Control on July 7, 1981. The claim is a test claim requesting the Board to consider whether reimbursable "state mandated costs" resulted from Chapter 1143, Statutes of 1980 (Housing Elements of General Plans). The meeting will be held at 9 a.m. on July 22, 1981, in Room 1138, 107 South Broadway, Los Angeles, California.

In order to decide on the mandated cost issue, the Board requests that all state agencies receiving this letter consider the merits of the claim and make recommendations on its validity under the SB 90 provisions of the Revenue and Taxation Code, contained in Sections 2203-2217 and 2231-2251.

State agency recommendations should include whether a representative will appear at the hearing. Some departments may be required to send a representative. All state agency recommendations will be forwarded to claimants and their representatives immediately upon receipt by this office,

In order to allow the claimants and their representatives sufficient time to respond to any issues raised, written state agency recommendations must be received by this office as soon as possible.\*

Essentially, a claim submitted to the Board for unfunded state mandated-costs is valid only if it meets the following criteria:

1. The claim must be submitted by a local agency, which includes cities, counties, and special districts, or by a school district. A "special district", as defined in Revenue and Taxation Code Section 2215, means any local governmental agency other than a city, county, or school district which is authorized by statute to levy a property tax rate. County fire protection districts, road districts, and free libraries are also special districts.
2. The claim must allege a mandate in:
  - a. A law enacted after January 1, 1973, which mandates a new program or an increased level of service of an existing program.

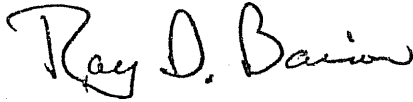
\* This test claim is being acknowledged as a companion to two other test claims on the same statute by, Los Angeles County (SB 90-3759) and San Francisco City and County (SB 90-3760). Therefore, new recommendations may or may not be necessary. If not, please contact me.

- b. An Executive Order that mandates a new program or an increased level of service of an existing program and either 1) affects local agencies and was issued after January 1, 1973; or 2) affects school districts and was issued after January 1, 1978.
  - c. An Executive Order issued after January 1, 1978, which (1) implements or interprets a state statute, and (2) by such implementation or interpretation, increases program levels above the levels required of school districts prior to January 1, 1978, or of local agencies prior to January 1, 1973. (Revenue and Taxation Code, Section 2207, 2207.5)
3. The Bill or Executive Order must either:
- a. Contain a disclaimer of additional mandated costs to local governments.
  - or,
  - b. Contain neither a disclaimer nor an appropriation to reimburse the claimant for such costs. (Revenue and Taxation Code, Section 2253)
4. The amount claimed must exceed \$200 and include only actual costs incurred, (Revenue and Taxation Code, Section 2253.2)
5. A claim is not valid if any of the following applies:
- a. The chaptered bill was requested by or on behalf of a local, agency which desired Legislative authority to implement the program specified in the bill.
  - b. The bill affirmed for the state that which had been declared existing law or regulation by action of the courts.
  - c. The chaptered bill mandated costs which do not exceed the cost of implementing a federal law or regulation,
  - d. The claimant has the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or level of service.
  - e. The bill imposed duties which were expressly approved by a majority of the voters of the State through the initiative process.
  - f. The bill created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction.
  - g. The bill provided for offsetting savings to local agencies which resulted in no net costs to such local agencies,
  - h. The bill created, changed, or eliminated a crime or infraction (or the resulting penalty) and the alleged mandated costs resulted from that portion of the bill relating to the enforcement of that crime or infraction,

Based upon information provided by all interested parties, the Board will determine whether the claim meets the statutory requirements. Should the Board determine that a mandate does exist, then parameters and guidelines for reimbursing all eligible local entities will be developed, Your cooperation in the preparation of the parameters and guidelines may be requested.

If you have any questions, please contact me. Thank you for your anticipated cooperation.

Sincerely,



RAY D. BANION

Assistant Executive Secretary

(916) 323-3562

RDB/am

cc: Department of Finance, Local Mandate Unit RECOMMENDATION DUE: A.S.A.P.  
Controller, Financial Accounting INFORMATION ONLY  
Legislative Analyst, Betty Masuoka  
Sidney Maleck, El Monte  
Dan Harrison, League of California Cities  
Allan Burdick, County Supervisors Association of California  
Jay Stewart, Governor's Office of Planning and Research RECOMMENDATION DUE:  
Carol Burton, Department of Housing and Community Development A.S.A.P.  
RECOMMENDATION DUE: A.S.A.P.



## STATE BOARD OF CONTROL

926 J STREET, SUITE 300  
SACRAMENTO, CALIFORNIA 95814

March 23, 1981

County of Los Angeles  
500 West Temple St., Room 525  
Los Angeles, CA 90012

Attention: Thomas J. Kozlowski

RE: Claim of COUNTY OF LOS ANGELES  
(Ch. 1143/80, 1980-81 F.Y.) vs.  
State of California - #SB 90-3759

Dear Mr. Kozlowski,

Pursuant to Revenue and Taxation Code Section 2253(c), the above-named test claim was filed with the Board of Control on February 19, 1981. The claim is a test claim requesting the Board to consider whether reimbursable "state mandated costs" resulted from Housing Elements of General Plans. The meeting will be held in Room 587, State Office Building No. 1, 915 Capitol Mall, Sacramento, CA. , on June 17, 1981 at 9:00 a.m.

In order to decide on the mandated cost issue, the Board requests that all state agencies receiving this letter consider the merits of the claim and make recommendations on its validity under the SB 90 provisions of the Revenue and Taxation Code, contained in Sections 2203-2217 and 2231-2251.

State agency recommendations should include whether a representative will appear at the hearing. Some departments may be required to send a representative. All state agency recommendations will be forwarded to claimants and their representatives immediately upon receipt by this office,

In order to allow the claimants and their representatives sufficient time to respond to any issues raised, written state agency recommendations must be received by this office no later than May 4, 1981,

Essentially, a claim submitted to the Board for unfunded state mandated costs. is valid only if it meets the following criteria:

1. The claim must be submitted by a local agency, which includes cities, counties, and special districts, or by a school district. A "special district", as defined in Revenue and Taxation Code Section 2215, means any local governmental agency other than a city, county, or school district which is authorized by statute to levy a property tax rate. County fire protection districts, road districts, and free libraries are also special districts.
2. The claim must allege a mandate in:
  - a. A law enacted after January 1, 1973, which mandates a new program or an increased level of service of an existing program.

file  
6/3/81-Revised Letter  
meeting Sat  
12-16-81 p/c

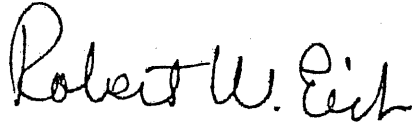


- b. An Executive Order that mandates a new program Or an increased level of service of an existing program and either 1) affects local agencies and was issued after January 1, 1973; or 2) affects school districts and was issued after January 1, 1978.
  - c. An Executive Order issued after January 1, 1978, which (1) implements or interprets a state statute, and (2) by such implementation or interpretation, increases program levels above the levels required of school districts prior to January 1, 1978, or of local agencies prior to January 1, 1973. (Revenue and Taxation Code, Section 2207, 2207.5)
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- a. Contain a disclaimer of additional mandated costs to local governments, or,
  - b. Contain neither a disclaimer nor an appropriation to reimburse the claimant for such costs, (Revenue and Taxation Code, Section 2253).
4. The amount claimed must exceed \$200 and include only actual costs incurred. (Revenue and Taxation Code, Section 2253.2)
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  - b. The bill affirmed for the state that which had been declared existing law or regulation by action of the courts.
  - c. The chaptered bill mandated costs which do not exceed the cost of implementing a federal law or regulation.
  - d. The claimant has the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or level of service, --
  - e. The bill imposed duties which were expressly approved by a majority of the voters of the State through the initiative process.
  - f. The bill created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction,
  - g. The bill provided for offsetting savings to local agencies which resulted in no net costs to such local agencies,
  - h. The bill created, changed or eliminated a crime or infraction (or the resulting penalty; and the alleged mandated costs resulted from that portion of the bill relating to the enforcement of that crime or infraction,

Based upon information provided by all interested parties, the Board will determine whether the claim meets the statutory requirements. Should the Board determine that a mandate does exist, then parameters and guidelines for reimbursing all eligible local entities will be developed. Your cooperation in the preparation of the parameters and guidelines may be requested.

If you have any questions, please contact me. Thank you for your anticipated cooperation.

Sincerely,



ROBERT W. EICH  
Assistant to the Executive Secretary  
(916) 323-3562

RWE/ **am**

cc: Department of Finance, Local Mandate Unit RECOMMENDATION DUE: May 4, 1981  
Controller, Financial Accounting INFORMATION ONLY  
Legislative Analyst, Betty Masuoka  
Department of **Housing** and Urban **Development**, Mr. **Travis Pitts**  
**RECOMMENDATION** DUE: May 4, 1981  
Melissa **Taubman**, LA **Deputy** County **Counsel** INFORMATION ONLY  
County Supervisors **Association** of **California**  
*Jay Stewart, Office of Planning & Research*

# Memorandum

Thomas Kozlowski, Los Angeles County  
Melissa Taubman, Los Angeles County  
Joyce Streator, Los Angeles County  
John Farrell, City and County of San Francisco  
Jim Apps, Department of Finance  
Ron Javor, Housing and Community Development  
Jay Stewart, Office of Planning and Research

Date: June 5, 1981

From : State Board of Control

Subject: RE: Claim of COUNTY OF LOS ANGELES  
(Ch. 1143/80, 1980-81 F.Y.) vs.  
State of California - No. SB 90-3759

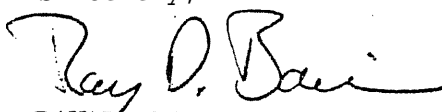
Claim of CITY & COUNTY OF SAN FRANCISCO  
(Ch. 1143/80, 1980-81 F.Y.) vs.  
State of California - No. SB 90-3760

At the request of Melissa Taubman, the above-named test claims have been continued from the June 17, 1981, meeting of the Board of Control. The claims will now be heard at 9:00 a.m. on July 22, 1981, in Room 1138, 107 South Broadway, Los Angeles, California.

Ms. Taubman sought a continuation because she felt it would be important to obtain a recommendation from the Governor's Office of Planning and Research (OPR) concerning the alleged mandate. I agreed with her; consequently, I am formally requesting that OPR submit a written recommendation to me no later than June 30, 1981.

If you have any questions, please contact me.

Sincerely,



RAY D. BANION

Assistant to the Executive Secretary  
(916) 323-3562

RDB/plf

Encl. (OPR only)

test claims

Department of Finance Recommendation

Department of Housing and Community Development

July 8, 1982

Meserve, Mumper & Hughes  
35th Floor  
333 S. Hope  
Los Angeles, CA 90071

RE: Claim of CITY OF EL MONTE  
(Ch. 1143/80, 1980-81 F.Y.) vs.  
State of California - #SB 90-3916

Dear Mr. Ross:

Pursuant to Revenue and Taxation Code Section 2253(c), the above named test claim was filed with the Board of Control on July 7, 1981. The claim is a test claim requesting the Board to consider whether reimbursable "state mandated costs" resulted from Chapter 1143, Statutes of 1980 (Housing Elements of General Plans). The meeting will be held at 9 a.m. on July 22, 1981, in Room 1138, 107 South Broadway, Los Angeles, California.

In order to decide on the mandated cost issue, the Board requests that all state agencies receiving this letter consider the merits of the claim and make recommendations on its validity under the SB 90 provisions of the Revenue and Taxation Code, contained in Sections 2203-2217 and 2231-2251.

State agency recommendations should include whether a representative will appear at the hearing. Some departments may be required to send a representative. All state agency recommendations will be forwarded to claimants and their representatives immediately upon receipt by this office.

In order to allow the claimants and their representatives sufficient time to respond to any issues raised, written state agency recommendations must be received by this office as soon as possible.\*

Essentially, a claim submitted to the Board for unfunded state mandated costs is valid only if it meets the following criteria:

1. The claim must be submitted by a local agency, which includes cities, counties, and special districts, or by a school district. A "special district", as defined in Revenue and Taxation Code Section 2215, means any local governmental agency other than a city, county, or school district which is authorized by statute to levy a property tax rate. County fire protection districts, road districts, and free libraries are also special districts.
2. The claim must allege a mandate in:
  - a. A law enacted after January 1, 1973, which mandates a new program or an increased level of service of an existing program.

\* This test claim is being acknowledged as a companion to two other test claims on the same statute by Los Angeles County (SB 90-3759) and San Francisco City and County (SB 90-3760). Therefore, new recommendations may or may not be necessary. If not, please contact me.

If you have any questions, please **contact me**. Thank you for your anticipated cooperation.

Sincerely,

RAY D. BANION  
Assistant Executive Secretary  
(916) 323-3562

RDB/am

cc: Department of Finance, Local Mandate Unit RECOMMENDATION DUE: A.S.A.P.  
Controller, Financial Accounting INFORMATION ONLY  
Legislative Analyst, Betty Masuoka  
Sidney Maleck, El Monte  
Dan Harrison, League of California Cities  
Allan Burdick, County Supervisors Association of California  
Jay Stewart, Governor's Office of Planning and Research RECOMMENDATION DUE:  
Carol Burton, Department of Housing and Community Development A.S.A.P.  
RECOMMENDATION DUE: A.S.A.P.

7-22-81

SB 90-3759; Date Filed: 2-19-81

SB 90-3760; Date Filed: 2-19-81

SB 90-3916; Date Filed: 7-7-81

Claims of  
Los Angeles County  
San Francisco City and County  
City of El Monte  
(Ch. 1143/80; 1979-80 F.Y.)

THIS ITEM IS BEING CONTINUED. On July 14, 1981, Board of Control staff received two documents:

1. A lengthy rebuttal to the May 14, 1981 "no mandate" recommendation of the Department of Housing and Community Development (HCD) which was filed by the City of El Monte; and
2. A new recommendation filed by HCD along with instructions for the Board to disregard the May 14, 1981 recommendation.

Neither HCD nor the claimants had received the other's communication prior to July 14, 1981. After consulting with them, it was agreed that the matter should be continued to the August 19, 1981 meeting of the Board.

Items 76 through 78

## STATE BOARD OF CONTROL

926 J STREET, SUITE 300  
SACRAMENTO, CALIFORNIA 95814



August 24, 1981

Mr. William D. Ross  
Reserve, Mumper and Hughes  
333 South Hope Street, 35th Floor  
Los Angeles, California 90071

RE: Development of Parameters and Guidelines for Reimbursement Cost Mandate by  
Chapter 1143, Statutes of 1980, (Housing Element: Locality's Share of Regional.  
Housing Need) City of El Monte SB90-3916

Dear Mr. Ross,

The State Board of Control found that a reimbursable mandate requiring "an increase level of service" existed under Chapter 1143, Statutes of 1980 at its August 1981 meeting. This increased level of service is a result of the requirement that Housing Elements of the General Plan must include a component which describes in detail a locality's fair share of its regional housing needs.

Pursuant to Revenue and Taxation Code Section, Section 2253.2 the Board directed staff to prepare parameters and guidelines identifying the types of activities and resulting costs which should be reimbursed. The first step in drafting the parameters and guidelines will be to have a meeting of the interested parties to identify and if possible resolve the various issues. This meeting will be held on September 3, 1981 at 10:00 A.M. in the second floor conference room, 926 "J" Street, Sacramento, California.

Some of the major issues which need to be addressed include:

1. Required information which must be included in a regional fair share component of the Housing Element.
2. Standardize process for incorporating component as part of all Housing Elements.
3. Methodology for determining cost associated with developing the regional fair share component for the Housing Element.

With the resolution of these issues, a draft of the parameters and guidelines will be prepared and presented to the Board at the October 21, 1981 hearing. If you have any concerns or questions, please contact me.

Sincerely,

Don A. Provost

Assistant to the Executive Secretary

DHP/sk

cc:

Department of Finance, Local Mandate Unit: Ron Joiner

Department of Housing and Community Development: Carolyn Burton

Office of Planning and Research: Jay Stewart

Office of the State Controller: Jim Ferguson

County Supervisors Association of California: Allan Burdick

Legislative Analyst: Betty Masuoka

League of California Cities: Dan Harrison

City and County of San Francisco: John Farrell

County of Los Angeles, Office of the County Counsel: Melissa A. Taubman



## SECTION V – A1

Section IZA.1.

LAW OFFICES OF  
MESERVE, MUMPER & HUGHES

EDWIN A. MESERVE (1863-1955)    SHIRLEY E. MESERVE (1889-1959)    HEWLINGS MUMPER (1889-1968)

J. ROBERT MESERVE  
DOWNEY A. GROSENBAUGH  
CROMWELL WARNER, JR.  
KENNETT F. KOURI  
HODGE L. DOLLE, JR.  
PETER A. MENJOU  
JOHN DEACON  
ROBERT B. MARTIN, JR.  
ERNEST J. SCHAG, JR.  
BERNARD A. LECKIE  
E.A. CRARY  
L. ALLAN SONGSTAD, JR.

FRANK O. STIEFEL  
RONALD G. RICKARD  
ROBERT W. EISFELDER  
MICHAEL R. MATTHIAS  
WILLIAM E. EICK  
JUDITH P. MEYER  
RALPH C. NAVARRO  
JAMES D. PRENDERGAST  
PAUL G. GEORGE  
JOHN S. PETERSON  
DAVIS D. THOMPSON  
ROBERT WEBER, JR.

LINDA M. LAWSON  
WENDY G. GLENN  
WILLIAM M. LEONARD  
RONALD W. BUCKLY  
THOMAS E. STEPP, JR.  
LAWRENCE H. THOMPSON  
WARREN S. INOUE  
BRUCE A. GOTHOLF  
ALAN J. HALLBERG  
PATRICIA A. JONES

OF COUNSEL  
CLIFFORD E. HUGHES    LEO E. ANDERSON    HODGE L. DOLLE

ORIGINATING OFFICE:  
35-1-H FLOOR  
333 SOUTH HOPE STREET  
LOS ANGELES, CALIFORNIA 90071  
POST OFFICE BOX 54601  
TERMINAL ANNEX  
LOS ANGELES, CALIFORNIA 90054  
TELEPHONE: (213) 620-0300  
TELECOPIER: (213) 625-1930  
TWX NO: (910) 321-4382  
CABLE ADDRESS: MESMUHU

ORANGE COUNTY OFFICE:  
5190 CAMPUS DRIVE  
NEWPORT BEACH, CALIFORNIA 92660  
POST OFFICE BOX 7820  
NEWPORT BEACH, CALIFORNIA 92660  
TELEPHONE: (714) 752-8995

OUR REF. NO.

August 31, 1981

Mr. Don A. Provost  
Assistant to the Executive  
Secretary  
State Board of Control  
926 "J" Street, Suite 300  
Sacramento, California 95814

Re: Proposed Parameters and Guidelines for Reimbursement of Costs Mandated by the State Through Chapter 1143, Statutes of 1980; General Plan Housing Element Requirements.

Dear Mr. Provost:

Please find enclosed a copy of Proposed Parameters and Guidelines with regard to Chapter 1143, Statutes of 1980 (AB 2853), which was found to be a mandate by the State Board of Control at its August 19, 1981 meeting.

Should you have questions concerning the content of this document, please contact our office.

Very truly yours,



William D. Ross  
for MESERVE, MUMPER & HUGHES

Encl.  
WDR:ns

cc: Caroline Burton  
Jay Stewart  
Alan P. Burdick  
Dan Harrison  
Melissa A. Taubman  
Paula A. Jesson  
Jose Ramos  
John Edminston

RECEIVED

SEP 3 1981

PROPOSED PARAMETERS AND GUIDELINES STATE BOARD OF CONTROL

Chapter 1143, Statutes of 1980

(General Plan Housing Element Requirements)

SUMMARY OF MANDATE:

The above referenced legislation required, among other things, that local agencies must comply with substantially more detailed requirements for the preparation of that local agency's general plan housing element. Specifically, the legislation would require counties and cities to plan in the housing element for meeting their "appropriate share of the regional demand for housing." The legislation also requires each county and city to conform its housing element to the specific provisions of the legislation on or before October 1, 1981. Additionally, the legislation requires every city and county to revise its housing element as specified in the legislation every five years.

A. Board of Control Decision: August 19, 1981, the Board determined a mandate existed in the above referenced legislation. These parameters and guidelines are the result of the Board's findings which were made pursuant to Revenue and Taxation Code Section 2253(b).

B. Operative Date of Mandate: January 1, 1981.

C. Period of Claim: The first claim filed should be for costs incurred during the period January 1, 1981 through June 30, 1981. Subsequent fiscal year costs may be claimed when an entire year's costs have been incurred. The State of Board of Control will only act on claims for actual costs.

Only one fiscal year shall be included in each claim. The first claim submitted will report costs incurred from January 1, 1981 through June 30, 1981. The second claim will report costs incurred from July 1, 1981 through June 30, 1982.

If the total costs claimed are less than two hundred dollars (\$200.00), no reimbursement will be allowed. Revenue and Taxation Code Section 2233.

A claim is not barred because the claimant was incurring costs prior to the effective date of a mandate. Costs incurred after the effective date of the mandate must be reimbursed. Revenue and Taxation Code Section 2234.

D. Certification of Costs: All claimants must complete and sign the certification of costs below:

I DO HEREBY CERTIFY:

THAT Sections 1090 - 1096, inclusive, of the Government Code, and other applicable provisions of the law, have been complied with; and

THAT I am the person authorized by the local agency to file claims for State-mandated costs with the State of California.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Telephone Number

E. Reimbursable Costs:

1. The actual cost of complying with each of the requirements of Chapter 1143, Statutes of 1980. Such costs may be evidenced by:

(a) A contract duly authorized by the local agency with any type or kind of consulting firm for the preparation of a revised housing element of its general plan consistent with the requirements of the legislation; or NO

(b) Records of actual and necessary staff time accomplished to effectuate a revised housing element consistent with the requirements of the statute, provided that the involved local agency maintains time records sufficient to segregate that amount of time specifically allocated to comply with the specific provisions of Chapter 1143, Statutes of 1980. NO

2. The actual and necessary cost either by contract through a consulting agency or accomplished within the local agency's own planning department for the purpose of making the housing element internally consistent with the balance of the involved local agency's general plan.

## SECTION V – A2

LAW OFFICES OF  
MESERVE, MUMPER & HUGHES

EDWIN A. MESERVE (1863-1955)    SHIRLEY C. MESERVE (1889-1959)    HEWLINGS MUMPER (1889-1968)    CLIFFORD E. HUGHES (1894-1981)

J. ROBERT MESERVE  
DOWNEY A. GROSENBAUGH  
CROMWELL WARNER, JR.  
DENNETT F. KOURI  
HODGE L. DOLLE, JR.  
PETER A. MENJOU  
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September 11, 1981

OUR REF. NO.

RECEIVED

SEP 16 1981

STATE BOARD OF CONTROL

Mr. Don A: Provost  
Assistant to the Executive Secretary.  
State Board of Control  
926 "J" Street  
Suite 300  
Sacramento, California 95814

Re: Proposed-Parameters and Guidelines for Reimbursement of Costs  
Mandated by the State through Chapter 1143, Statutes of 1980;  
General Plan Housing Element Requirements.

Dear Mr. Provost:

Please find enclosed a copy of a second version of Proposed Parameters and Guidelines with regard to Chapter 1143, Statutes of 1980 (AB-2853), which was found to be a mandate by the State Board of Control at its August 19, 1981 meeting.

This document is being prepared principally because of views voiced by the State Department of Housing and Community Development (HCD) indicating that the prior Proposed Parameters and Guidelines were inadequate because of a purported cost savings which AB-2853 would effect for local agencies. We would respectfully note that there is no evidence of a cost savings in the record in this matter. There was the allegation made at the hearing -that there was, or would be, cost savings for local government by HCD's counsel. However, no evidence has been forthcoming concerning this issue.

We would additionally note that it is extremely questionable whether this issue can be raised at the parameters and guidelines stage of the proceeding without competent evidence having been received by the Board to support HCD's contention, and without HCD seeking reconsideration to adequately document their contention.

Mr. Don A. Provost  
Page Two  
September II, 1981

should you have any questions concerning the content of this document, please contact our office.

Very truly yours,



William D. Ross  
for MESERVE, MUMPER & HUGHES

WDR/je  
Encl.

cc: Olena E. Berg, Chief Deputy  
Carolyn Burton .  
Jay Stewart  
Alan P. Burdick . . .  
Dan Harrison  
Melissa A. Taubman .  
Paula A. Jesson  
Jose Ramos  
John Edmisten .  
Ben Hulse  
William-A. Waters  
Eva Liang Levine

## PROPOSED PARAMETERS AND GUIDELINES

### Chapter 1143, Statutes of 1980

#### (General Plan Housing Element Requirements)

##### SUMMARY OF MANDATE:

The above referenced legislation required, among other things, that local agencies must comply with substantially more detailed requirements for the preparation of that local agency's general plan housing element.. Specifically, the legislation would require counties and cities to plan in the housing element for meeting their "appropriate share of the regional demand for housing.@ The legislation also requires each county and city to conform its housing element to the specific provisions of the legislation on or before October 1, 1981. Additionally, the legislation requires every city and county to revise its housing element as specified in the legislation every five years.

A. Board of Control Decision: August 19, 1981, the Board determined a mandate existed in the above referenced legislation, These parameters and guidelines are the result of the Board's findings which were made pursuant to Revenue and Taxation Code Section 2253(b)-.

B. Operative Date of Mandate: January 1, 1981.

C. Period of Claim: The first claim filed should be for costs incurred during the period September 26, 1980 through June 30, 1981. Subsequent fiscal year costs may be claimed when an entire year's costs have been incurred. The State of Board of Control will only act on claims for actual costs.

Only one fiscal year shall be included in each claim. The first claim submitted will report costs incurred from January 1, 1981 through June 30, 1981. The second claim will report costs incurred from July 1, 1981 through June 30, 1982.

If the total costs claimed are less than two hundred dollars (\$200.00), no reimbursement will be allowed. Revenue and Taxation Code Section 2233.

A claim is not barred because the claimant was incurring costs prior to the effective date of a mandate. Costs incurred after the effective date of the mandate must be reimbursed. Revenue and Taxation Code Section 2234.



- (3) The formulation of an assessment of housing needs and an inventory of resources **and** constraints relevant to meeting those needs. Staff time in this area shall include the requirements set forth at Section 65583(a) (1)-(7);
- (4) The formulation of a statement of the community's goals, quantified objectives and policies relative to the maintenance, improvement, and deveiopment of housing;
- (5) The accumulation of the necessary information to formulate a five-year **schedule** of actions to implement the policies and goals and objectives of the housing element [Section 65583 (c) ]. This information shall include those items specified in Section 65583 (c) (1) -(5);
- (6) The identification of agencies and officials responsible for the implementation of the various actions which will lead to consistency with other general plan elements and community goals;
- (7) The accumulation of **available** data which considers market demands **for** housing, employment opportunities, the availability of suitable sites **for** public facilities, commuting patterns, type and tenure of housing. need, and **the** housing needs of farm workers in formulating the **locality's** share of the regional housing need [Section 65584(a)];
- (8) The coordination of the locality% share of regional housing need as determined by the appropriate **governmental** agency, either the State Department of Housing and Community Development or the applicable council of governments in the locality of the local agency [Section 65584(a), (b), (c)];
- (9) The forwarding of the proposed housing element to the State Department of Housing and Community Development for its advisory review. Costs in this area shall **also** include printing, administrative costs and review as to legal adequacy by local agency counsel;
- (10) The accomplishment of the frequent revision required by Section 65588(a); and
- (11) In conjunction with the function described by Section 65588(a), necessary staff time to integrate demographic studies resulting from, among other things, the 1980 Census, to local agencies' housing goals and policies.

D. Certification of Costs: All claimants must complete and sign the certification of costs below:

I DO HEREBY CERTIFY:

THAT Sections 1090 - 1096, inclusive, of the Government Code, and other applicable provisions of the law, have been complied with; and

THAT I am the person authorized by the local agency to file claims for State-mandated costs with the State of California.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Telephone Number

E. Reimbursable Costs:

1. The actual cost of complying with each of the requirements of Chapter 1143, Statutes of 1980, as may be evidenced by:

(a) A contract duly authorized by the local agency with any type or kind of consulting firm for the preparation of a revised housing element of its general-plan consistent with the requirements of the legislation. Such a contract shall constitute prima facie evidence of the reasonableness of the cost to comply with the involved chapter; or

(b) Records of actual and necessary staff time accomplished to effectuate a revised housing element consistent with the requirements of the statute, provided that the involved local agency maintains time records sufficient to segregate that amount of time specifically allocated to comply with the specific provisions of Chapter 1143, Statutes of 1980. Such records shall detail the staff time necessary to accomplish the following:

- (1) The identification and analysis of existing and projected housing needs and statement of goals, policies, quantified objectives and scheduled programs for the preservation, improvement, and development of housing (Section 65583);
- (2) The identification of adequate sites for housing, including rental housing, factory-built housing, and mobile homes with provision being made for the existing and projected needs of all economic segments of the community;

2. The actual and necessary cost either by contract through a consulting agency or accomplished within the local agency's planning-department for the purpose of making the housing element internally consistent with the balance of the involved local agency's general plan; and

3. The actual and necessary cost associated with preparing the appropriate environmental assessment and subsequent environmental documentation pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code with respect to the adoption of the housing element required by Chapter 1143, Statutes of 1980.

## SECTION V – A3

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October 3, 1981

Mr. Ray Banion  
Assistant to the Executive Secretary  
State Board of Control  
926 J Street  
Suite 300  
Sacramento, California 95814

RECEIVED  
OCT. 6: 1981  
STATE BOARD OF CONTROL

Re: Chapter 1143, Statutes of 1980;  
Proposed Parameters and Guidelines

Dear Mr. Banion:

The purpose of this communication is to indicate that the City of El Monte may have to request that the "two week" rule be waived with regard to comments submitted by the State Department of Housing and Community Development (HCD).

On September 3, 1981, several individuals, including yourself and Olena E. Berg, Chief Deputy from HCD, met to discuss the initial draft of parameters and guidelines in this matter which our office also prepared. The result of that meeting was that the claimants would prepare revised parameters and guidelines principally because of the views set forth by HCD, many of which the local agency representatives present did not agree with. Local agency representatives present expressed a concern that the matter proceed forward as rapidly as possible. I agreed to have the revisions accomplished by the end of the week of September 7, 1981, with a copy sent directly to the attention of HCD so that there would be no delay in transmitting the document to HCD through your office. This was accomplished by letter dated September 11, 1981.

HCD agreed to forward their comments directly to concerned local agencies so that they could respond to HCD's position on the revised parameters and guidelines.

MESERVE, MUMPER & HUGHES

Mr. Ray Banion  
Page Two  
October 3, 1981

Having not received any HCD comments on October 1, 1981, we contacted your office and you indicated that you had either just received HCD's comment, or that they had indicated to you that your office would receive them on that day. You indicated that as soon as you received them they would forward a copy to our office. We expressed concern that we would not be able to comment before the two week cutoff date of October 7, 1981.

We then contacted Ms. Berg at HCD. She indicated that these comments had been sent to the State Board of Control the day before. We reminded her that she had promised to deliver their comments directly to the claimants. She then indicated that a copy would be mailed to our office that day. As of this date we have not received that document. Nor do we know if HCD sent the communication to co-claimants County of Los Angeles or the City and County of San Francisco.

The possibility exists that because we have not received HCD's comments we will not be able to respond by October 7, 1981, even with the use of express mail or some similar expensive delivery service.

We would hope that in the future this type of situation does not reoccur.

Very truly yours,



William D. Ross  
for MESERVE, MUMPER & HUGHES

WDR/je  
cc: Melissa A. Taubman  
Paul A. Jesson  
Olena E. Berg  
Dan Harrison  
Allan Burdick

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STEVEN ABRAM  
DAVID F. GONDEK  
THOMAS D. GREEN  
CHERI S. O'LAVERY

October 16, 1981

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OCT 19 1981

Mr. Don A. Provost  
Assistant Executive Secretary  
Board of Control  
926 Jay Street  
Sacramento, California 95814


STATE BOARD OF CONTROL

Dear Mr. Provost:

I enclose a copy of Mr. Aleshire's letter to you of October. When this letter was mailed I inadvertently omitted, to send a copy of the Guidelines. I now enclose that document.

Please accept my apology.

Very truly yours

  
Angelene Scott  
Secretary to David Aleshire

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October 6, 1981

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OCT 13 1981

STATE BOARD OF CONTROL

Mr. Don A. Provost  
Assistant Executive Secretary  
Board of Control  
926 Jay Street,  
Suite 300  
Sacramento, California 95814

Re: Proposed Parameters and Guidelines  
for Reimbursement of Costs Mandated  
By the State through Chapter 1143,  
Statutes of 1980; General Plan  
Housing Element Requirements

Dear Mr. Provost:

This firm is the contract city attorney for the following cities: Cerritos, Norwalk, Signal Hill, San Dimas, Lawndale and La Canada-Flintridge.

The enclosed "Proposed Parameters and Guidelines" have been forwarded to us for our review. The proposed Guidelines establish procedures for submission of claims for reimbursement for costs found by the State Board of Control to be State-mandated to local agencies pursuant to Chapter 1143, Statutes of 1980 (AB 2853). These guidelines appear to us to meet the relevant statutory requirements under Sections 2201 et. seq. of the Revenue and Taxation Code. We would therefore urge their approval.

All of the above-referenced cities have had to go to considerable effort and expense to revise their housing elements consistent with the requirements of AB2853. We therefore anticipate submitting claims on behalf of all said cities. We would therefore request receiving notice as to when the Parameters and Guidelines have been approved and when the time period for submitting a claim will commence.

Please call me if there are any questions concerning



Mr. Don A. Provost  
October 6, 1981  
Page 2

this matter. Thank you very much for your assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "David J. Aleshire", written in a cursive style.

David J. Aleshire

DJA:as

cc: Mr. Gaylord Knapp  
Mr. William H. Kraus  
Mr. David Caret-to  
Mr. Robert L. Poff  
Mr. Brice Stephenson  
Mr. George Caswell.  
Mr. William D. Ross

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COUNTY CLERK, NO.

OCT 7 1981

STATE BOARD OF CONTROL

October 7, 1981

Mr. Don A. Provost  
Assistant to the Executive Secretary  
State Board of Control  
926 J Street  
Suite 300  
Sacramento, California 95814

Re: Proposed Parameters and Guidelines for Reimbursement of Costs  
Mandated by the State through Chapter 1143, Statutes of 1980;  
General Plan Housing Element Requirements

Dear Mr. Provost:

The purpose of this communication is to respond in part to the (HCD) comments of the State Department of Housing and Community Development which were received by our office on October 5, 1981. It is initially noted that HCD did not timely furnish these comments to our office so as to avoid the two-week rule for hearing on October 21, 1981. This action was taken despite the representation by the Chief Deputy of HCD that the comments would be furnished directly to claimants when they were formulated, apparently on September 25, 1981.

Notwithstanding the objections raised in the preceding paragraph, the City of El Monte would generally contend that HCD's comments amount to nothing more than a request for reconsideration, which was not timely filed as required by rules of this Board. It attempts to reargue the issue of whether or not a mandate was created by the involved statutes. As such, the comments are largely inappropriate at the parameters and guidelines portion of the administrative proceeding. The City of El Monte would specifically object to the declaration of one William Cunningham, which is attached as an exhibit to the comments, as lacking in foundation. Specifically, there is no indication that Mr. Cunningham is either licensed to practice law or has obtained

Mr. Don A. Provost  
Page Two  
October 7, 1981

any type of legal education qualifying him to reach the legal conclusions which are set forth in his document. Further, there is insufficient background laid within his factual data set forth in his declaration to establish that he has the requisite factual or educational background to make the purported statement of facts which are set forth therein.

The City of El Monte will proceed to analyze the contentions of HCD as they are set forth in their comments of September 25, 1981 concerning the proposed parameters and guidelines set forth by the City of El Monte.

First, with respect to the contention in subparagraph 1.(a) that AB-2853 increases the level of service only insofar as it requires cities and counties to include housing programs which address the localities' share of regional housing needs, it should be noted that a dialogue took place between the undersigned and Board Member Yaroslavsky wherein it was indicated, in response to a question by Board Member Yaroslavsky what specifically AB-2853 did to local agencies in terms of an increased level of service. It was indicated that minimally the following constituted newly conceived obligations on local agencies:

1. The obligation to plan to meet the city's "appropriate share of the regional housing demand" (Sections 65583, 65584);
2. The obligation to conform its Housing Element to the substantive requirements of the Act (Sections 65583, 65584, 65585, 65586) on or before October 1, 1981. Included in this obligation is the requirement to "make adequate provision for the existing and projected needs of all economic needs of the community by requiring minimally nine specific planning functions which were not previously required; and
3. The obligation to revise the content of the Housing Element every five years (Section 65588).

It was also emphasized that each of the obligations just noted is different in kind or degree from any pre-existing requirement.

It is noted that what HCD is attempting to do is to avoid the plain meaning of the involved statutes. For example, Section 65583 indicates that the Housing Element shall consist of identification

Mr. Don A. Provost  
Page Three  
October 7, 1981

and analysis of existing and projected housing needs along with a statement with goals, policies and objectives for the development of housing, as well as its preservation as an improvement. These goals and policies are to be based on an assessment of housing needs and an inventory of resources which in itself is to be based on seven specific analyses. Much of the analyses required in these seven areas are dependent upon information gathered from the 1980 Census, which is not yet available. The logical extension of HCD's argument would be to require local agencies to prepare a Housing Element based on conjectural facts and figures rather than information from the actual 1980 Census. Such a position is clearly contrary to the intent and purpose of the statute.

In subparagraph 1.(b) of the comments, HCD suggests that internal consistency is not mandated by AB-2853. Again, HCD is attempting to misrepresent the actual requirements of the law. Government Code Section 65300.5 requires a General Plan to be internally consistent. Thus, when one portion of one of the nine required elements of the General Plan is changed statutorily, necessarily all related elements which deal with the housing problem must also be changed to reflect the changes in AB-2853. To suggest that this is not an increased level of service would indicate that local agencies should not conform the eight other required elements of the General Plan to the newly required content requirements of the Housing Element. Such a position legally would invite litigation concerning the adequacy of a local agency's General Plan. Surely, HCD is not attempting to foster litigation in this area by maintaining such a position.

In subparagraph 1.(c) of HCD's comments it is suggested that the five-year revision requirement is beyond the scope of parameters and guidelines simply because costs will not be incurred until 1984. The logic of this position is severely strained. It is clear that the five-year revision is a requirement of the statute (Section 65588). To suggest that they are not part of the claiming instructions is contrary to the intent and purpose of the Revenue and Taxation Code. The "logical" extension of this argument would be to require local agencies to come back in 1985 after their costs have been perceived and request amendment to the parameters and guidelines. Such a situation would, in essence, be requiring something that could be done now and be done with accuracy.

With respect to the issue of the period of claiming costs set forth in paragraph number three on page two of HCD's comments, the City of El Monte would note that given the short time frame involved and

Mr. Don A. Provost  
Page Four  
October 7, 1981

the requirement that the Housing Element be brought into conformance by October 1, 1981, it would be impossible to not allow agencies to claim reimbursement for the period from September 26, 1980 through December 31, 1980. If HCD's position were followed, it could be argued that the expenditure of funds in anticipation of a change in law in that same time period would violate Article XVI, Section 6, of the State Constitution which prohibits a gift of public funds. Surely, HCD cannot suggest such an absurd result.

In paragraph 4 of HCD's comments, contradictory positions are taken by HCD. In the second paragraph they note that their findings in reviewing Housing Elements are advisory only to local governments, yet in paragraph 3 they contend that only agencies which have been found to be in compliance with the law by HCD be considered for reimbursement.

The City of El Monte has several problems with this position. First of all is the apparent inadequate staffing of HCD to even review Housing Elements even though their findings are advisory. Attached as Exhibit "A" is an August 28, 1981 communication from Mr. Dennis Beddard, a Housing Program Analyst from HCD, which indicates that they have not had time to finalize their work report for the status of Housing Elements for review for the month of July as of the end of August because of their work load. The City of El Monte has experienced similar delays in the processing of their new Housing Element for review by HCD. For HCD to now suggest that they have the capabilities to adequately review Housing Elements in view of the fact that the time limit has passed is not supported by fact or law.

Second, the formulation of parameters and guidelines consistent with this view would allow HCD to effectively eliminate all claims for reimbursement by local agencies by simply saying that their Housing Elements were inadequate. This is contrary to the intent of the statute which indicates that their findings are advisory only.

With specific reference to the issue of the City of El Monte's claim, it is noted that in late July, 1981, a preliminary draft was submitted to HCD for its review and comments. As of the deadline date, HCD had not responded to the City of El Monte. To suggest now that the City of El Monte should be denied reimbursement because of the apparent inadequate staffing of HCD is simply incredulous. In other words, the errors and omissions of HCD will be attributed to local claimants to their detriment.

MESERVE, MUMPER & HUGHES

Mr. Don A. Provost  
Page Five  
October 7, 1981

Finally, on page 6, there is an attempt by HCD to show that there are cost savings involved by AB-2853. Several times before, several local agencies indicated that there are several new requirements set forth by AB-2853. This issue does not need to be analyzed again. HCD persists in raising this issue without supporting it by factual evidence. To suggest that the requirements as set forth in the proposed parameters and guidelines of the City of El Monte are "implicit requirements" of the then existing Section 65302(c) simply is not consistent with case law of the statutory requirements of AB-2853. The City of El Monte would obviously like to know how it is saving money if it is expending more than \$20,000 on a consultant contract to prepare a Housing Element consistent with AB-2853. Obviously, this was not required prior to the legislation.

Again, the City of El Monte reserves the right to comment further on the HCD document in view of the fact that it was not timely served on it by HCD staff.

Very truly yours,

  
William D. Ross  
for MESERVE, MUMPER & HUGHES

WDR/je  
Attachment  
cc: Olena Berg  
Melissa A. Taubman  
Paula A. Jesson  
Allan Burdick  
Dan Harrison

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Division of Research and Policy Development

21 Tenth Street

Sacramento, CA 95814

(916) 445-4725

MULTIPLE  
RECEIVEDOPENED BY *me*

FILE

August 28, 1981

William D. Ross

Merserve, Mumper and Hugues

P. O. Box 54601

Los Angeles, CA 90054

Dear Mr. Ross:

Attached per your request is a status report for housing element reviews as of June 30, 1981. Because of our workload, we have not yet finalized our report for the month of July.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dennis Beddard'.

Dennis Beddard  
Housing Program Analyst

Attachment

Exhibit "A"

LAW OFFICES OF  
MESERVE, MUMPER & HUGHES

EDWIN A. MESERVE (1863-1955)    SHIRLEY E. MESERVE (1889-1959)    HEWLINGS MUMPER (1889-1968)    CLIFFORD E. HUGHES (1894-1981)

J. ROBERT MESERVE  
DOWNEY A. GROSENBAUGH  
CROMWELL WARNER, JR.  
DENNETT F. KOURI  
HODGE L. DOLLE, JR.  
PETER A. MENJOU  
JOHN DEACON  
ROBERT B. MARTIN, JR.  
ERNEST J. SCHAG, JR.  
BERNARD A. LECKIE  
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E.A. CRARY

L. ALLAN SONGSTAD, JR.  
FRANK D. STIEFEL  
RONALD G. RICKARD  
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MICHAEL R. MATTHIAS  
JUDITH P. MEYER  
RALPH C. NAVARRO  
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JOAN E. AAR ESTAD  
MICHAEL J. COLLINS  
WILLIAM D. ROSS  
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NEWPORT BEACH, CALIFORNIA 92660  
POST OFFICE BOX 7820  
NEWPORT BEACH, CALIFORNIA 92660  
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October 7, 1981

OUR REF. NO.

RECEIVED

OCT 7 1981

STATE BOARD OF CONTROL

Mr. Don A. Provost  
Assistant to the Executive Secretary  
State Board of Control  
, 926 J Street  
Suite 300  
Sacramento, California 95814

Re : Proposed Parameters and Guidelines for Reimbursement of Costs  
Mandated by the State through Chapter 1143, Statutes of 1980;  
General Plan Housing Element Requirements

Dear Mr. Provost:

The purpose of this communication is to comment upon, and make suggestions to, proposed parameters and guidelines prepared by the State Board of Control with respect to the above-entitled matter.

On the first page under Summary of Mandate, we would recommend in line 5 that the sentence beginning there read: "As a result of this law, local agencies are required, among other things, to focus upon  
" "

Under "Eligible Claimants" on the same page, we believe that sentence should read: "Every county, or city, or city and county which adopts a general plan."

On page 2 under "Reimbursable Costs," the second sentence in the first paragraph should read: "Chapter 1143/80 mandated, among other things, local entities to plan in the housing element for meeting their appropriate share of the regional demand for housing."



Mr. Don A. Provost  
Page Two  
October 7, 1981

With respect to paragraph 1, we believe it should be replaced by the first six proposed paragraphs of the City of El Monte's proposed parameters and guidelines. The reason for this is that the information required by Section 65584(a) is based on the analysis and policies which are formulated under Section 65583, and the information required to be obtained under that section. The determination of a locality's share of regional housing element need must include this information. Indeed, the first sentence of Section 65584 references Section 65583 to that effect.

After paragraph 1 of the staff proposal, El Monte would propose to add its paragraph number 7.

El Monte basically agrees with staff paragraphs 2, 3 and 4, although we believe they could be stated in more detail so as to avoid confusion at a future date.

With respect to staff paragraph number 5, we believe that costs in this area should include printing, administrative cost and review as to legal adequacy by local counsel.

We also believe that the City's number 10 and 11 should be included as proposed reimbursable costs as they are not mentioned in the staff report.

We further believe that the cost of internal consistency should be a reimbursable cost as proposed by the City in its proposed parameters and guidelines, as well as the cost of preparing the appropriate environmental assessment under applicable provisions of the Public Resources Code. These two areas should be additional reimbursable cost items.

The City has no objection to staff proposals 6 and 7 so long as the additional items listed above are included.

Finally, we would note that some difference should be made between local agencies which do the matter in-house and those which have hired a consulting firm to accomplish the changes. We again believe that it is appropriate, if an agency-contracts with a consulting firm for the preparation of a revised housing element consistent with the new law, that the contract price shall constitute prima facie evidence of the reasonableness of the cost to comply with AB-2853.

MESERVE, MUMPER & HUGHES

Mr. Don A. Provost  
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October 7, 1981

Should you have any questions concerning these comments, please  
contact our office.

Very truly yours,



William D. Ross  
for MESERVE, MUMPER & HUGHES

WDR/je

CC: Melissa A. Taubman  
Paula A. Jesson  
Allan Burdick  
Dan Harrison

LAW OFFICES OF  
MESERVE, MUMPER & HUGHES

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(11863-1955) (11889-1959) (11889-1968) (11894-1981)

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October 13, 1981

RECEIVED

OUR REF. NO.

OCT 20 1981

STATE BOARD OF CONTROL

E. Olena Berg  
Deputy Director  
Department of Housing and  
Community Development  
921 10th Street  
Sacramento, California 95814

Re: Your Communication of October 6, 1981  
received October 9, 1981

Dear Ms. Berg:

As you know, this office represents the City of El Monte in an administrative proceeding before the State Board of Control for state reimbursement associated with Chapter 1143, Statutes of 1980. The purpose of this communication is to clarify your apparent misunderstanding concerning comments submitted by your Department on Parameters and Guidelines prepared by this office for the City of El Monte as set forth in your letter referenced above.

With respect to the facts as represented in your communication, it is our position that we have set forth in previous communications to the State Board of Control what are the accurate facts in this matter. We note with some disappointment your characterization of our participation in this administrative process as constituting "continuing hostility . . . toward HCD."

This office, and the other claimants, have aggressively, and respectfully, pursued this claim. We have responded both legally and factually to positions taken by HCD which we feel are without merit. We would further note that you orally represented on September 3, 1981, that you would forward directly to the involved


E. Olena Berg  
Page Two  
October 13, 1981

claimants a copy of HCD's comments as soon as they were prepared so as to avoid any further delay in this matter. You acknowledged this representation of September 3, 1981, in our telephone conversation of October 1, 1981. It is fair to say that as counsel for the City of El Monte we are distressed that the delay in this matter being heard by the State Board of Control is a result of HCD not forwarding its comments to the involved claimants as was promised.

We would specifically refute your contention that the revised proposed Parameters and Guidelines were late by six days, or even one day.

It is fair to say that both HCD and the City of El Monte are trying to get appropriate information before the State Board of Control so that the Parameters and Guidelines issue may be resolved in a time manner. It is unfortunate that the matter has been delayed, however we believe this matter can be finally resolved at the November 1981 meeting of the State Board of Control in Los Angeles.

Very truly yours,



William D. Ross  
for MESERVE, MUMPER & HUGHES

WDR/je

cc: The Honorable Sally Tanner  
The Honorable Joseph B. Montoya  
Mr. Ray Banion  
Mr. Sidney Maleck  
Ms. Melissa A. Taubman  
Ms. Paula A. Jesson  
Mr. Allan Burdick  
Mr. Dan Harrison  
Mr. William Abbott  
Ms. Denni Greene  
Mr. William Keiser  
Mr. Daniel J. Curtin